

Remarks

The Applicants note with appreciation the acknowledgment of the Applicants' Claim of Priority.

The Applicants have amended the Specification to correct minor grammatical and idiomatic errors. No new matter has been added.

The Applicants note with appreciation the Examiner's helpful comments with respect to the claim objections. Claims 1 – 4 and 6 – 13 have been amended to place them into better form for allowance. Claim 5 has been cancelled.

The Applicants note with appreciation the Examiner's helpful comments concerning "nap length" and "local fatigue resistance." With respect to nap length, the Applicants respectfully submit that this is not a relative term. In fact, it is quite definite and is readily measurable by one of ordinary skill in the art. In that regard, the Applicants invite the Examiner's attention to the Specification at page 23, beginning at line 24, wherein the exact method for determining average nap length is described in detail. A further reference to the same description is set forth on page 28, beginning at line 26. The Applicants respectfully submit that the term "nap length" is not indefinite.

The Applicants have amended relevant ones of the claims to place them into conformance with the description in the Specification. As a consequence, "local fatigue resistance" has been changed to "local failure resistance." The Specification has also been amended in several locations so that it consistently refers to failure resistance. The Applicants respectfully submit that local failure resistance is also not indefinite, as is evidenced by the detailed explanation beginning in the Applicants' Specification and at page 18 after line 1. This explanation extends through page 19 of the Applicants' Specification. Thus, those of ordinary

skill in the art are provided with very specific guidance as to the meaning of the solicited claims. Withdrawal of the 35 U.S.C. §112 rejection is respectfully requested as it applies to nap length and local failure resistance.

With respect to Claims 7 and 12, the Applicants respectfully submit that these standards are well known to those of ordinary skill in the art and they need not be disclosed in detail. However, for the Examiner's convenience, English translations of JIS L0849 and L1094 B are enclosed.

Claims 9 has been amended to provide appropriate antecedent basis. Withdrawal of the remaining 35 U.S.C. §112 rejections is respectfully requested.

Turning now to the merits, the Applicants acknowledge the rejection of Claims 1 – 13 (the rejection as it applies to Claim 5 is now moot) under 35 U.S.C. §§102 and 103 as being anticipated by or obvious over Nakashima. Nakashima fails to teach or suggest the claimed aspect of the invention wherein the polyurethane employs polymer diol, which contains from 50 wt% to 90 wt% polycarbonate diol. Although Nakashima discloses a polyurethane containing a polymer diol selected from polyester diols, polyether diols, polyester-ether diols, polylactone diols and polycarbonate diols, there is no disclosure in Nakashima that teaches or suggests the claimed 50 to 90 wt% polycarbonate diol. Careful scrutiny of the entire Specification of Nakashima, together with the Examples, reveals that there is utterly no teaching or suggestion with respect to 50 to 90 wt% polycarbonate diol. As a consequence, 35 U.S.C. §102 does not apply.

The Applicants respectfully submit that 35 U.S.C. §103 also does not apply inasmuch as there are no teachings or suggestions in Nakashima as to the claimed range of 50 to 90 wt% of polycarbonate diol. This is in sharp contrast to the excellent results achieved by the Applicants

with respect to local failure resistance retention, as demonstrated in the Examples and compared to Comparative Examples 1, 2 and 3. Withdrawal of both the §§102 and 103 rejections is respectfully requested.

The Applicants acknowledge the rejection of Claims 1 – 6 and 8 (the rejection of Claim 5 now being moot) under 35 U.S.C. §103 as being obvious over Akasawa. Like Nakashima, Akasawa discloses several polymer diols, including polyesters, polycarbonates, polylactones and polyethers. Again, there is also a complete failure to provide teachings or suggestions to those of ordinary skill in the art that would lead to the invention as recited in Claims 1 – 4, 6 and 8. There are utterly no teachings concerning the claimed 50 – 90 wt% polycarbonate weight diol. In fact, Akasawa teaches percentages that are no more than 40 wt% as can be seen by reference to Table 1 of Akasawa and the Examples and Comparative Examples therein. The wt% of polycarbonate diol in those instances is typically in the 30 to no more than 40 wt% range. The polycarbonate diol wt% from the Examples and Comparative Examples of Table 1 of Akasawa has been determined by the Applicants as follows:

WT5 of polycarbonate diol in the Examples (Table 1) of Asakawa

Method of determination

1. The total wt of polymer diol is wt of diol (A) plus wt of diol (B) in Table 1
2. Only the PHC of Table 1 is polycarbonate diol

	Wt of diol in Table 1				Total wt of diol: ①	Wt of PHC: ②	②/①*100
	(A)	(B)					
Ex. 1	11.9	620	580	600	1811.9	620	34.2
Comp. Ex. 1		690	644	666	2000	690	34.5
Ex. 2	11.9	350	550		911.9	350	38.4
Comp. Ex. 2	11.9	350	550		911.9	350	38.4
Ex. 3	26.1	600	1100		1726.1	600	34.8
Comp. Ex. 4	26.1	600	1100		1726.1	600	34.8
Ex. 4	200	300	600		1100	300	27.3
Comp. Ex. 6		333	667		1000	333	33.3
Comp. Ex. 8	200	300	600		1100	300	27.3
Ex. 5	100	600	1300		2000	600	30.0
Comp. Ex. 9	100	600	1300		2000	600	30.0
Ex. 6	200	800	1000		2000	800	40.0

These wt%'s are far below those recited in Claims 1 – 4, 6 and 8.

Further, there are no teachings or suggestions that would lead one of ordinary skill in the art to modify the quantities taught by Akasawa. There is nothing in Akasawa that would lead one of ordinary skill in the art to believe that there would be any benefit that would or could result from such a modification. Accordingly, the Applicants respectfully submit that Akasawa fails to support a rejection of Claims 1 – 4, 6 and 8. Withdrawal of the rejection is accordingly respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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